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 Notice of Allowability	Application No.	Applicant(s)	
	09/045,518	VAN LUCHENE, ANDREW S.	
	Examiner	Art Unit	
	James W Myhre	3622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amendment filed on July 30, 2004.
2. ☒ The allowed claim(s) is/are 16-31.
3. ☒ The drawings filed on 20 March 1998 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date <u>20050131</u> . |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

DETAILED ACTION

Response to Amendment

1. The amendment filed on July 30, 2004 is sufficient to overcome the Eleftheriou, Fiorini, and Examiner Affidavit references as discussed in the Board of Patent Appeals and Interferences (BPAI) Decision of May 26, 2004. The amendment canceled Claims 1-15; therefore, Claims 16-31 remain pending and have been considered below.

EXAMINER'S AMENDMENT

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Dean Alderucci on January 31, 2005.

The application has been amended as follows:

In Claims 25-27 and 29:

25. (Currently amended) A method comprising:

scanning a bar code on at least one item;

determining a purchase price for a purchase including the at least one item;

receiving a rounding code from a first item not included in the purchase;

determining a rounding multiple corresponding to the rounding code;

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rounding the purchase price based on the rounding multiple; and
allowing an exchange of the at least one item and the first item for the rounded purchase price.

26. (Currently amended) A method comprising:

scanning a bar code on at least one item;
determining a purchase price for a purchase including the at least one item;
receiving a rounding code from a first item not included in the purchase;
determining a rounding multiple corresponding to the rounding code;
rounding the purchase price based on the rounding multiple; and
receiving the rounded purchase price in exchange for the at least one item and the first item.

27 (Currently amended) A method comprising:

scanning a bar code on at least one item;
determining a purchase price for a purchase including the at least one item;
receiving a rounding code from a first item not included in the purchase;
selecting a rounding multiple from a plurality of rounding multiples based on the received rounding code;
rounding the purchase price based on the selected rounding multiple; and
receiving the rounded purchase price in exchange for the at least one item and the first item.

29. (Currently amended) A method comprising:

- receiving at least one item from a customer;
- receiving a first item from a customer, in which the first item is not included in the at least one item;
- scanning a bar code on the at least one item;
- determining a price for the at least one item;
- determining a rounding multiple based on the first item;
- determining a rounded price based on the price and the rounding multiple, in which the rounded price is a lowest multiple of the selected integer that is greater than the price;
- charging the customer the rounded price for the at least one item and the first item; and
- receiving payment of the rounded price from the customer.

Allowable Subject Matter

3. Claims 16-31 are allowed.

Examiner's Statement of Reasons for Allowance

4. The following is an examiner's statement of reasons for allowance:

Prior art was found which disclosed scanning in one or more items received from

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a customer, determining the purchase price for the item(s), determining a rounding multiple based on a rounding code, rounding the purchase price based on the rounding multiple; and receiving payment of the rounded price from the customer in exchange for the one or more items (See Eleftheriou, US 5,869,826; Fiorini, “No Place For a Penny”; and Perseil, FR95 07,963). However, prior art was not found which also disclosed that the rounding code was based on an item which was not included in the one or more items presented for purchase as in independent Claims 25-31 as discussed by the BPAI Decision. Furthermore, prior art could not be found which disclosed that the rounding codes each have a corresponding rounding multiple and a fixed price as in independent Claim 16 and discussed by the BPAI Decision. Therefore, in line with the BPAI Decision the Examiner considers non-obvious novelty of the invention to be receiving the rounding code (and multiple) from an item not part of the purchase and including a fixed price with the rounding code.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled “Comments on Statement of Reasons for Allowance.”

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Exr. James W. Myhre whose telephone number is (703)

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308-7843. The examiner can normally be reached Monday through Thursday from 6:30 a.m. to 3:30 p.m.

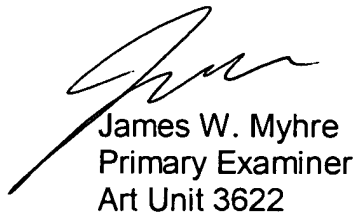
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber, can be reached on (703) 305-8469. The fax phone number for Formal or Official faxes to Technology Center 3600 is (703) 872-9306. Draft or Informal faxes, which will not be entered in the application, may be submitted directly to the examiner at (703) 746-5544.

Note: Effective April 2005, the examiner's telephone numbers will be changed to (571) 272-6722 (phone) and (571) 273-6772 (Informal faxes); and the examiner's supervisor's telephone number will be changed to (571) 272-6724.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group Receptionist whose telephone number is (703) 308-1113.



JWM
January 31, 2005



James W. Myhre
Primary Examiner
Art Unit 3622